

Remarks

Claims 1-13 were initially pending in the subject application. In the Office Action of January 13, 2003, the Examiner issued a restriction requirement in this matter. By way of the response of this date, Applicants hereby elect, with traverse, Group II (claim 2 and newly presented claims 14-21) drawn to polypeptides comprising the amino acid sequence of SEQ ID NO: 42 and methods of making said polypeptides. Favorable consideration of the claims in view of this response, and in view of the remarks set forth herein, is earnestly solicited.

Applicants respectfully request rejoinder of the inventions related to the claimed polypeptide and methods of making said polypeptide on the basis of Patent Office policy related to the treatment of product and process claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b).

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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- 35 l) a host cell recombinant for a polynucleotide of a) through k) above,
36 m) a non-human transgenic animal comprising the host cell of k),
37 n) a polynucleotide of a) through j) further comprising a physiologically acceptable
38 carrier.

- 1 2. A polypeptide comprising an amino acid sequence selected from the group consisting of:
2 a) any single integer from 6 to 776 amino acids of any one even SEQ ID NO. 2-16, 22-
3 28, 32-52 or of a polypeptide encoded by a human cDNA of a deposited clone;
4 b) a signal peptide sequence of any one even SEQ ID NO. 2-16, 22-28, 32-52 or
5 encoded by a human cDNA of a deposited clone;
6 c) a mature polypeptide sequence of any one even SEQ ID NO. 2-16, 22-28, 32-52 or
7 encoded by a human cDNA of a deposited clone;
8 d) a full length polypeptide sequence of any one even SEQ ID NO. 2-16, 22-28, 32-52
9 or encoded by a human cDNA of a deposited clone;
10 e) a polypeptide of a) through d) further comprising a physiologically acceptable
11 carrier.

- 1 3. A method of making a polypeptide, said method comprising
2 a) providing a population of host cells comprising the polynucleotide of claim 1;
3 b) culturing said population of host cells under conditions conducive to the production
4 of a polypeptide of claim 2 within said host cells; and
5 c) purifying said polypeptide from said population of host cells.

- 1 4. A method of making a polypeptide, said method comprising:
2 a) providing a population of cells comprising a polynucleotide encoding the
3 polypeptide of claim 2, operably linked to a promoter;
4 b) culturing said population of cells under conditions conducive to the production of
5 said polypeptide within said cells; and
6 c) purifying said polypeptide from said population of cells.